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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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REGINA R. WASHINGTON,

Plaintiff,

*versus*NANCY A. BERRYHILL,  
Acting Commissioner of Social Security  
Defendant,§  
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CIVIL ACTION NO. 1:17-CV-65

**ORDER OVERRULING OBJECTIONS AND ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to her application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on March 5, 2018 (Doc. No. 16), and the Plaintiff's objections (Doc. No. 17). The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. See Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit. Therefore, the court ACCEPTS the magistrate judge's recommendation, OVERRULES the Plaintiff's objections, and AFFIRMS the Commissioner's denial of benefits.

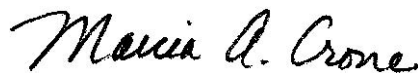
Plaintiff objects to the magistrate judge's determination that substantial evidence supports the ALJ's decision that Ms. Washington could engage in light duty work. Plaintiff argues that the frequency and urgency of Washington's emergency room treatment would prevent her from

engaging in substantial gainful activity. The magistrate judge correctly determined that substantial evidence supports the ALJ's treatment of Washington's emergency room visits and took into consideration her ability to engage in substantial gainful activity. The magistrate judge correctly examined the ALJ's finding that despite the emergency room visits, the record reflected that Washington was rarely hospitalized, and her lab results were generally unremarkable, allowing her to perform light duty work.

The court concludes that the magistrate judge correctly identified and discussed the point of error argued by plaintiff and analyzed the point correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's assessments and determinations and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 22nd day of March, 2018.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE